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## REISSUE APPLICATION DECLARATION BY THE INVENTOR

Docket Number (Optional)  
970113R/HG

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is described and claimed in patent number 5,908,858, granted June 1, 1999, and for which a reissue patent is sought on the invention entitled 1,2-DIPHENYLPYRROLE DERIVATIVES, THEIR PREPARATION AND THEIR THERAPEUTIC USES the specification of which

☐ is attached hereto.

☒ was filed on Sept. 29, 2000 as reissue application number 09 / 678,218 and was amended on \_\_\_\_\_ (If applicable)

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

☐ by reason of a defective specification or drawing.

☒ by reason of the patentee claiming more or less than he had the right to claim in the patent.

☐ by reason of other errors.

At least one error upon which reissue is based is described below. If the reissue is a broadening reissue, such must be stated with an explanation as to the nature of the broadening:

An error upon which reissue is based is that the patentees claimed more than they had a right to claim in the patent. One such error is that certain of the original patent claims, namely claims which specified compounds wherein R<sup>1</sup> may be -NHR<sup>6</sup> (which are prodrugs) or specified compositions or specified methods utilizing said specified compounds, included subject matter within their scope which might be within the scope of subject matter claimed in Patent No. 5,932,598. In the reissue application as filed the claims are amended to delete said compounds wherein R<sup>1</sup> may be -NHR<sup>6</sup> or a species thereof.

[Page 1 of 3]

Burden Hour Statement: This form is estimated to take 0.5 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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(REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2)

Docket Number (Optional)  
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All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant. As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith.

Leonard Holtz, Reg. No. 22,974; Herbert Goodman, Reg. No. 17,081; Thomas Langer, Reg. No. 27,264;  
Marshall J. Chick, Reg. No. 26,853; Richard S. Barth, Reg. No. 28,180; Douglas Holtz, Reg. No. 33,902;  
and Robert P. Michal, Reg. No. 35,614.

Correspondence Address: Direct all communications about the application to:

☒ Customer Number

01933

Type Customer Number here

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|   |  |       |                |     |            |
|---|--|-------|----------------|-----|------------|
| <input checked="" type="checkbox"/> Firm or Individual Name | FRISHAUF, HOLTZ, GOODMAN, LANGER & CHICK, P.C. |       |                |     |            |
| Address   | 767 Third Avenue - 25th Floor                  |       |                |     |            |
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| City  | New York                                       | State | NY             | Zip | 10017-2023 |
| Country   | U.S.A.   |       |                |     |            |
| Telephone   | (212) 319-4900                                 | Fax   | (212) 319-5101 |     |            |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Full name of sole or first inventor (given name, family name)  
Tomio KIMURA

|                      |   |             |                  |
|----------------------|---|-------------|------------------|
| Inventor's signature | <i>Tomio Kimura</i>   | Date        | December 5, 2000 |
| Residence            | Nerima-ku, Tokyo, Japan   | Citizenship | Japan            |
| Mailing Address      | c/o SANKYO CO., LTD., 2-58, Hiromachi 1-chome, Shinagawa-ku, Tokyo, Japan |             |                  |

Full name of second joint inventor (given name, family name)  
Yasuo NOGUCHI

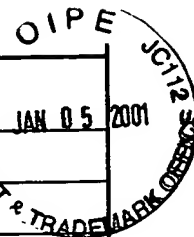
|                      |   |             |                  |
|----------------------|---|-------------|------------------|
| Inventor's signature | <i>Yasuo Noguchi</i>  | Date        | December 8, 2000 |
| Residence            | Chigasaki-shi, Kanagawa, Japan  | Citizenship | Japan            |
| Mailing Address      | c/o SANKYO CO., LTD., 2-58, Hiromachi 1-chome, Shinagawa-ku, Tokyo, Japan |             |                  |

Full name of third joint inventor (given name, family name)  
Akira NAKAO

|                      |   |             |                  |
|----------------------|---|-------------|------------------|
| Inventor's signature | <i>Akira Nakao</i>  | Date        | December 5, 2000 |
| Residence            | Edogawa-ku, Tokyo, Japan  | Citizenship | Japan            |
| Mailing Address      | c/o SANKYO CO., LTD., 2-58, Hiromachi 1-chome, Shinagawa-ku, Tokyo, Japan |             |                  |

☒ Additional joint inventors are named on separately numbered sheets attached hereto.

|   |                        |
|---|------------------------|
| Full name of fourth joint inventor (given name, family name)<br>Keisuke SUZUKI            |                        |
| Inventor's signature <i>Keisuke Suzuki</i>  | Date December 5, 2000  |
| Residence Setagaya-ku, Tokyo, Japan   | Citizenship Japan      |
| Mailing Address c/o SANKYO CO., LTD., 2-58, Hiromachi 1-chome, Shinagawa-ku, Tokyo, Japan |                        |
| Full name of fifth joint inventor (given name, family name)<br>Shigeru USHIYAMA           |                        |
| Inventor's signature <i>Shigeru Ushiyama</i>  | Date December 4, 2000  |
| Residence Shinagawa-ku, Tokyo, Japan  | Citizenship Japan      |
| Mailing Address c/o SANKYO CO., LTD., 2-58, Hiromachi 1-chome, Shinagawa-ku, Tokyo, Japan |                        |
| Full name of sixth joint inventor (given name, family name)<br>Akihiro KAWARA             |                        |
| Inventor's signature <i>Akihiro Kawara</i>  | Date December 15, 2000 |
| Residence Yokohama-shi, Kanagawa, Japan   | Citizenship Japan      |
| Mailing Address c/o SANKYO CO., LTD., 2-58, Hiromachi 1-chome, Shinagawa-ku, Tokyo, Japan |                        |
| Full name of seventh joint inventor (given name, family name)<br>Masaaki MIYAMOTO         |                        |
| Inventor's signature <i>Masaaki Miyamoto</i>  | Date December 4, 2000  |
| Residence <i>Fujisawa City, Kanagawa, Japan</i>   | Citizenship Japan      |
| Mailing Address c/o SANKYO CO., LTD., 2-58, Hiromachi 1-chome, Shinagawa-ku, Tokyo, Japan |                        |



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|  |                                 |  |
|--|---------------------------------|--|
| <b>REISSUE APPLICATION: CONSENT OF ASSIGNEE;<br/>STATEMENT OF NON-ASSIGNMENT</b>   |                                 | Docket Number (Optional)<br>970113R/HG |
| This is part of the application for a reissue patent based on the original patent identified below.  |                                 |  |
| Name of Patentee(s) Tomio KIMURA et al   |                                 |  |
| Patent Number<br>5,908,858   | Date Patent Issued June 1, 1999 |  |
| Title of Invention 1,2-DIPHENYLPYRROLE DERIVATIVES, THEIR PREPARATION AND THEIR THERAPEUTIC USES   |                                 |  |
| <p>1. <input checked="" type="checkbox"/> Filed herein is a statement under 37 CFR 3.73(b). (Form PTO/SB/96)</p> <p>2. <input type="checkbox"/> Ownership of the patent is in the inventor(s), and no assignment of the patent is in effect.</p> <p>One of boxes 1 or 2 above must be checked. If multiple assignees, complete this form for each assignee. If box 2 is checked, skip the next entry and go directly to "Name of Assignee".</p> <p>The written consent of all assignees and inventors owning an undivided interest in the original patent is included in this application for reissue.</p> |                                 |  |
| The assignee(s) owning an undivided interest in said original patent is/ <del>are</del> SANKYO COMPANY, LIMITED and the assignee(s) consents to the accompanying application for reissue.  |                                 |  |
| Name of assignee/inventor (if not assigned)  |                                 |  |
| Signature<br><i>Herbert Goodman</i>  | Date<br>January 4, 2001         |  |
| Typed or printed name and title of person signing for assignee (if assigned)<br>Herbert Goodman<br>Attorney, Reg. No. 17,081   |                                 |  |

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